

## Article - Environment

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§15–518.

(a) A person who conducts any prospecting activity shall be subject to the reclamation requirements and to the enforcement and penalty provisions of this subtitle.

(b) A person who intends to prospect for coal in an area not included in a valid surface coal mining permit shall file a notice of intent to prospect with the Department at least 2 weeks prior to the commencement of any surface disturbance associated with prospecting.

(c) The notice of intent to prospect shall be in writing and submitted on forms prescribed by the Department. The notice shall include:

(1) A description of the area to be prospected;

(2) A description of the legal basis upon which the person who intends to prospect claims the right to enter and conduct prospecting operations on the area;

(3) A description of the intended prospecting operations;

(4) A statement of the period of the proposed prospecting; and

(5) A plan for reclamation of the area in accordance with the requirements of this subtitle upon completion of the prospecting.

(d) A person who proposes to conduct prospecting operations which are reasonably likely to cause substantial disturbance to the land surface or cause serious harm to water supply or water quality may not commence any disturbance related to the proposed prospecting prior to obtaining the written approval of the Department and submitting to the Bureau a bond in a form acceptable under § 15-507(c) of this subtitle, payable to the State, conditioned on the faithful performance of the requirements of this section. The bond shall be in the amount that the Department determines necessary to assure completion of reclamation and revegetation.

(e) If the Department determines, after review of the notice filed pursuant to this section, that the proposed prospecting operation is reasonably likely to cause substantial disturbance to the natural land surface or to cause serious harm to a water supply or water quality, the Department shall so inform the person submitting

the notice, and the requirements of subsection (d) of this section shall apply to such persons and operations.

(f) The Department shall deny written approval to prospect where it finds that the person intending to prospect has failed to reclaim any other prospecting or surface coal mining operation in accordance with the requirements of this subtitle applicable to that operation.

(g) A person may not remove more than 200 tons of coal pursuant to this section.

(h) Prospecting operations, and any of its related activities, including but not limited to excavations, construction of roads, drill holes, the removal of facilities and equipment, and reclamation shall be conducted in accordance with performance and reclamation regulations established for prospecting.

(i) Information submitted to the Department pursuant to this section concerning trade secrets or confidential commercial or financial information which relates to the competitive rights of the person or entity intending to prospect shall not be available for public examination.

(j) A person who conducts any prospecting activity in violation of this section, or rules or regulations promulgated under this section, shall be subject to the enforcement and penalty provisions of this subtitle.

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